

TOWN OF HARTLY
P.O. Box 181
HARTLY, DE 19953

MEETING MINUTES
Thursday, February 9, 2023

I. Call to Order and Roll Call

Meeting was called to order by Mark Maguire at 7:00 PM.

Council Present:

Mark Maguire	Robert Graves
Suanne Morris	Megan Raughley
Raymond Morris	

Guests Present:

Mike Reimann	William Owen
R.H. Morris, Jr	Jennifer Fortney (signed)
Henry D. Fortney	Eric Miller (signed)
John M Miller (signed)	Aggie Jackson
Connor O'Hea	Terri Knauer
Ralph & Linda Shufelt	Shannon Shamblin
Jim Nickerson, Sr.	Chrissie & Josh Farrell
Jim Perry (signed)	Dustin Rawlins
Brian McGinnis	Michael Gray
Mary Ann Cowan	Michael Cowan
James Read	Peggy Bacon
Wendy Nye	Carole Kisner (signed)
Betsy Beamesderfer (signed)	Denise Kriss
Bill Nickerson, Sr. (signed)	Brian S (illegible)
William Kelly	John & Sue Gosch
John Filicicchia	Sharon Pendleton (signed)
Brian Pendleton (signed)	

Please forgive any misspellings for signed or illegible names

II. Invocation & Pledge of Allegiance

Suzanne provided Invocation; Megan led in the Pledge of Allegiance.

III. Approval of Previous Meeting Minutes and Tonight's Agenda

Raymond motioned to approve previous minutes and tonight's agenda be accepted, Suzanne 2nd to approve December 2022 Meeting Minutes and February 2023 agenda.

Motion carried:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Robert Graves	X			
Megan Raughley	X			
Raymond Morris	X			

At **7:02 PM**, Raymond made a motion to deviate from the normal order of business to allow the guest speakers for tonight's meeting to present, Rob 2nd to approve.

Motion carried:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Robert Graves	X			
Megan Raughley	X			
Raymond Morris	X			

Mike Reimann, Civil Engineer for Becker Morgan Group, of 309 South Governors Ave, Dover, DE along with William Owen, Assistant Vice President of Engineering and Permitting for PennTex Ventures, are attending the meeting tonight to propose development on site located across from Family Dollar. The property is just under 2 acres, including an area in the back at the tax ditch not being used in this project. The proposal: (approximate) 10,600 square foot building to house a Dollar General with associate parking (29 spaces), 2 access points and a fence around the property. This location would include milk and produce in addition to standard goods. Hours of operation would be 8a-10p, 7 days a week, off peak loading with 2-3 employees onsite; usually between 10a-2p due to lighter traffic in the store. Deliveries would be 1/week for DG truck delivery and other vendors would be throughout the week on different days.

Their companies are in the preliminary stages of reviewing the potential for the build. They want to present to the Town early to avoid issues later on in the progression of the build. The property is in the Brownfield Program due to potential contaminants within the soil; this program, through a partnership with DNREC, allows for the mitigation and cleanup. The goal for the development is to serve as a provider of goods and to be a solution for the soil issues on the property. This presentation is their first stop in the regulatory process; all aspects of the project still would need to be finalized including detailed

drawings to DeIDOT, the Fire Marshall and Conservation District for approval before even beginning any permit requests.

Sampling of the soil is beginning this week for analysis; the required environmental stages would continue until the end of December this year/beginning of January next year. They want to work directly with the Town and residents to ensure all parties are satisfied with the plans. PennTex Ventures' purpose for wanting to build in town is based on data collection that correlates to the distance a person would be required to travel to obtain goods; their "point" in Town of preference would be where the Fire House is located; this project is not based on proximity of a direct competitor.

At **7:11 PM**, Raymond made a motion to allow all those interested in speaking to present to the front of the room and provide their name and address to be given 60 seconds for them to express their opinion or ask questions, Rob 2nd to approve.

Motion carried:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Robert Graves	X			
Megan Raughley	X			
Raymond Morris	X			

A long discussion occurred with many testimonies from attendees that posed questions to the guest speakers for rebuttal and the council for consideration. Those that spoke raised concerns regarding light pollution, oversaturation of the market, and the missing benefit to the town to approve a like-goods store. They also provided feedback on what could be more beneficial in that space and requested information on the areas of contamination at the existing site. Takeaways from the conversation include the following responses:

- Testing is still in preliminary stages so they do not yet have a contaminated area pinpointed on the property. They are required to test soil and all wells; all information would be public knowledge. DNREC manages this process.
- DNREC uses the Brownfield Program to incentivize developers to build in these areas to assist with mitigation of existing problems that, if left vacant, could cause potentially more damaging issues because of existing contaminants.
- They would use cut off lighting and will work with the town for approval to avoid any concerns of light pollution.
- The property would be surrounded by a 6' foot fence (can be discussed) and trash will be enclosed to avoid concerns of litter and debris.
- Access point concerns would need to be discussed with DeIDOT as their plans are based upon the requirements of DeIDOT.
- Alternative options for the site have not been presented to the Town at this time.
- The 2nd parcel that is not being included in their plans may be available to neighboring property owners, church or town in the event of any interest.

- PennTex does have several different developments they have completed for business other than Dollar General; none of the locations that William has opened have closed.
- PennTex has not yet purchased the property; the Brownfield Program requires that they must have an agreement with the land owner for all testing to be completed and approved prior to them being able to close on the property based on the lender requirements.
- Dollar General has been the only business to show interest at this time. Unless another business comes in to show interest, there would not be any plans for cleanup on this lot otherwise. PennTex would not move forward if the contamination levels are found to be too high.
- A trip generation was completed as required by DelDOT; ADT is about 466 trips.

At **7:53 PM**, Raymond made a motion to accept a preliminary approval for Becker Morgan Group and PennTex to move forward with the requirement of a return for a later vote to approve.

Rob asked for clarification before proceeding with the vote; if council preliminary approvals are passed, is that the request of the guest speakers, to return for a final approval? No.

Previous motion rescinded by Raymond to open the floor at 7:54 PM

At **7:54 PM**, Rob made a motion to vote on approval, with the support of the Commissioners, for Becker Morgan Group and PennTex to build a Dollar General in the Town of Hartly. Raymond 2nd to approve the vote.

Motion defeated:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire		X		
Suzanne Morris		X		
Robert Graves		X		
Megan Raughley		X		
Raymond Morris	X			

At **7:56 PM**, Megan made a motion to return to the normal order of business. Rob 2nd to approve.

Motion carried:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Robert Graves	X			
Megan Raughley	X			
Raymond Morris	X			

IV. Reports

a. Treasury

i. Citizens Bank Account

Checking Account: Ending balance as of today \$16,442.13. Savings Account: Reported balance as of today of \$60,012.78.

ii. Restitution from Richie Casson

Checks have been received monthly and he is up to date. Exact figures not on hand at this time

iii. Delaware State Police Accounting Record

Suzanne reported we have not contracted DSP in the last 2 months; no report.

iv. Property Tax and Street Light Tax

Suzanne reported there are still 10 properties that are outstanding: the Swyka property that just sold may have taxes included within the check; she will research. The lawyer will be contacted for the owners of Burris (2 parcels), Potter, and Brewer properties to release letters for delinquent payments. They will also assist with options we can implement for the Ennis, Scott and Turner properties that have not paid any taxes in several years. There may be no recourse until an estate or sheriff sale is initiated.

Megan motioned, Rob 2nd, to accept the Treasury Reports. Motion carried:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Robert Graves	X			
Megan Raughley	X			
Raymond Morris	X			

b. Building Permits

Rob reported 1 new permit has been issued; he also reports the Survey for Developmental Trends has been completed and submitted. Update on the 1 new construction permit issued, owners still have plans to move forward on Main street but have experienced delays.

c. Correspondence

Megan reported Suzanne has the Service Fee for the PO Box has to be settled with the Post Office.

V. Unfinished Business

a. Street Light Update

Rob reported the 2023 request for LED updates has been submitted and we are awaiting updates for Delmarva.

b. Town Police update

Rob reported a vehicle has been acquired; the Town is working on getting the wrap removed and then re-wrapped. A few resumes have been received and we are leaving this submission time open for any additional interested applicants to submit.

c. 2020 Comprehensive Plan Committee Update

Suzanne reported there is no update at this time.

d. Land and Zoning Use Plan Update

Rob reported there is no update at this time.

e. Promotional/Marketing Purchase Update

Suzanne advised we received the chip clip/magnets that were previously on backorder. As suggested at the previous meeting, Suzanne looked into 2 different styles of tumblers to be decided upon for the 2023 Summer Event.

f. Microsoft 365 Business Update

Suzanne reported no update at this time.

g. American Rescue Plan Act 2021 Update

Suzanne reported the received funds have been exhausted. Items purchased included PPE for the residents and donations to the Hartly Volunteer Fire Company, including the LUCAS device presented at the Annual Appreciation Dinner. The Town provided the remaining balance for the purchase price of the device that assists with CPR.

h. Vacant Building/Defaulted/Abandoned Properties Update

Megan reported the letter requesting response from the resident was released via certified mail, signed for on 1/25/2023, but no response received as of the meeting, which was 15 days from receipt. The letter advises the resident on the documentation required to provide proof the building is not vacant. Rob asked if anyone was present to represent the Davis property in this matter; no one spoke. Suzanne will issue the 2023 Vacant building billing to include any previous billing that has not been satisfied for the resident.

i. DeIDOT 3-Way Stop Update

Mark reported there is no update and the blinking lights will stay in place at this time. He has been in contact with Senator Dave Lawson and Representative Jeff Spiegelman to express the concerns with DeIDOT wanting to remove these lights. Since the implementation, no accidents have occurred. Mark suggests all citizens that have a concern with this matter, for or against, reach out to the Senator and Representative to relay their concerns to DeIDOT.

j. Verizon Cell Phone Update

Megan reported that the representative from Verizon was not able to assist in a timely manner and the phone has been updated by other means; the number remains the same and we will revisit the need to use the Verizon representative when an Officer comes on staff.

k. Town Accountant Update

Mark advised the Town has approved the use of a local small business owner to assist with payroll, worker’s compensation, record keeping and tax documents required for the Officer when they are implemented in town.

l. 2023 Summer Event

Megan reported she would like to get together with the Ladies Auxiliary, Ruritan and HVFC to make it a more successful event than the previous Back-to-School event. The Fire Prevention Chief was present at the meeting and gave the proposed date of October 7th for their conference. The Town would like the evening of 9/15/2023, with a rain date of 9/22/2023, to allow for more residents to take part in the event. Bounce house, movie and vendor event in discussion to be included. Mark would like the 2023 Holiday Event ideas to be compiled sooner than later as well

m. Other unfinished business as may be necessary for discussion and/or action

None to discuss

VI. New Business

a. Traffic Logix

Suzanne reported the renewal for Traffic Logix is due; she did not believe it was included in our budget however Mark advised those funds are included in our Public Safety budget funds and are accounted for. If we do a multiple year purchase, it will provide us a 20% discount. She proposes we start with a 3 year contract at \$400 per sign (3 signs = \$1200.00/year). This purchase is for the cloud storage program used to store the data from our speed signs.

Suzanne motioned to approve we sign a 3 year contract, to be paid in a one-time fee of \$1200.00 per sign for a total of \$3600.00, for the cloud software for 3 years. Megan 2nd to approve:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Robert Graves	X			
Megan Raughley	X			
Raymond Morris	X			

b. Open Elections for Council Positions

Suzanne reported there are 3 spots up for elections for 2023. All members, new/existing, would determine who is in what position after elections. Candidates interested should complete the Town of Hartly Candidate Filing Form online or reach out to the Town via phone or email for assistance. April 29th is Election Day; April 7th is Public Notice of Candidates. Any filings must be received by the Town by March 31st @ 5:00 PM.

c. Other New Business as may be necessary for discussion and/or action

None

VII. Public Comment / Council Member Comment

An error in previous minutes was found by an attendee (unable to decipher name on recording); Item 4a for Savings Account balance needs to be reviewed, there is an extra digit.

Megan motioned to approve the correction to the recorded notes to reflect \$60,011.27 on the December 2022 meeting minutes, due to an extra digit being in the number. Rob 2nd to approve:

Motion carries:

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Robert Graves	X			
Megan Raughley	X			
Raymond Morris	X			

Megan will amend and have revised notes uploaded for review.

Resident, John Filicicchia, asked if there was a specific contact for DeIDOT regarding the flashing lights on the 3 Way stop signs. He also advised there are 2 lights that he noticed in town. Both will be discussed with Rob and Mark.

Treasurer, Suzanne, and Secretary, Megan, thanked the remaining attendees for coming and staying for the entire meeting.

Vice President, Raymond, wanted it noted that he feels the Town made a bad decision not supporting the vote in favor of the proposed plans. He feels the decision may turn away future attempts to develop the land that continues to sit vacant and could be a source of revenue for the Town.

Land and Zoning Administrator, Rob, responded Raymond is correct; someone wanted to develop the vacant lot, however, based on the testimony of those present, he cast his vote against supporting the development.

Attendee, Bill Nickerson, commented that the lot has been vacant for about 20 years. He hopes the lot will be developed however has concerns of contamination issues. He saw more people in tonight’s meeting than the first Town meeting held.

VIII. Adjournment

Raymond motioned Rob 2nd to adjourn at 8:26 PM.

Motion carried.

Council Member	Yes - Agree	No – Disagree	Absent	Withhold Vote
Mark Maguire	X			
Suzanne Morris	X			
Megan Raughley	X			
Robert Graves	X			
Raymond Morris	X			